

In the City Council
City of Lodi
Lodi, California

ORDINANCE NO. 595

AN ORDINANCE REGULATING PRIVATE PATROL ~~SYSTEMS~~ AND PRIVATE PATROL
WATCHMEN; PROVIDING FOR A PENALTY FOR VIOLATION HEREOF; REPEALING
ALL ORDINANCES IN CONFLICT HEREWITH

Be it ordained by the City Council of the City of Lodi as
follows :

Sec. I (a) PRIVATE PATROL SYSIEM DEFINED. For the purposes
of this ordinance, a "private patrol ~~system~~" is hereby defined as
any business which purports to furnish or does furnish any private
policeman, watchman or guard to patrol any territory, or to guard
or watch property of another person, in the City of Lodi.

(b) PRIVATE PATROL WATCHMAN DEFINED. For the purposes
of this ordinance a "private patrol watchman" is hereby defined
as any individual who patrols any territory, or guards or watches
property of another person, within the City of Lodi, and who is
employed by a person holding a private patrol system permit or
who himself holds a permit to operate a private patrol system,
and who holds a permit as required by this ordinance.

(c) PERSON DEFINED. For the purposes of this ordinance
the word "person" shall be held and construed to mean and include
natural persons of either sex, firms, associations, co-partnerships
and corporations. The singular shall include the plural and the
masculine shall include the feminine.

Sec. II (a) UNLAWFUL TO OPERATE A PRIVATE PATROL SYSTEM
WITHOUT A PERMIT. It is hereby declared to be unlawful for any
person, either as principal, or agent, or otherwise, to engage in
the business of operating a private patrol system without first
having obtained a permit therefor as in this ordinance provided.

(b) APPLICATION FOR PRIVATE PATROL SYSTEM MUST BE
MADE TO FINANCE DIRECTOR. Any person desiring a permit to engage in
the business of operating a private patrol system shall file with the
Finance Director a written application in triplicate, addressed to

the City Manager of the City of Lodi, setting forth the information required by this ordinance, and shall pay to the Finance Director a filing fee of \$15.00. If such applicant is an individual, he shall sign the application personally. If the applicant is an association, firm or co-partnership, such application shall be signed personally by each person composing or intending to compose such association, firm or co-partnership. If the applicant is a corporation, such application shall be signed by each member of its Board of Directors. Such application shall be sworn to by all persons signing the same before some person authorized to administer oaths.

(c) CONIENTS OF APPLICATION FOR PRIVATE PATROL SYSIEM PERMIT. An application for a permit to operate a private patrol system shall be accompanied by the applicant's fingerprints and a photograph not over six months old and shall be on a form to be supplied by the Finance Director and shall set forth the following information:

- (1) The full name and home address of each person signing the application;
- (2) The name under which it is proposed to operate the intended private patrol system;
- (3) The business or occupation for the five (5) years last past of each person signing the application, giving the name and address of each employer, the date of commencement and termination of employment, and the nature of the services performed by each such person;
- (4) The territory of the City of Lodi in which it is desired to operate the proposed private patrol system;
- (5) The hours during which it is proposed to patrol such territory or render guard or watchman service;
- (6) The address of the principal place of business of the applicant, or the proposed principal place of business, and all existing or proposed branch offices;
- (7) The date of the issuance of the license held by the applicant, issued by the Department of Professional and Vocational Standards of the State of California pursuant to the

laws of the State of California, as a private detective, and the name and address of his surety or sureties;

(8) State whether any person signing the application has ever been arrested on a charge of the commission of a felony, ~~or~~ a charge involving moral turpitude, at any time, or arrested for any reason, within the five (5) years last past, giving full details;

(9) The name and address of the person or persons who will have the active operation and management of the business;

(10) If the applicant is a corporation, the application shall be accompanied by a certified copy of the resolution or minutes authorizing the application;

(11) Such other information as the Chief of Police or the City Manager may require.

(d) ~~FINANCE DIRECTOR TO FORWARD APPLICATION TO CHIEF OF POLICE.~~ Immediately upon the receipt of an application for a private patrol system permit, the Finance Director shall forward one copy thereof to the Chief of Police, one copy to the City Manager, and file with the permanent records of his office, the original application. The Finance Director shall maintain a permanent file to be known as "Applications and Permits for Private Patrol Systems" wherein he shall maintain separately all records and documents of his office pertaining to each private patrol permit application and private patrol watchman permit,

(e) ~~INVESTIGATION BY CHIEF OF POLICE.~~ Upon receipt from the Finance Director of a copy of an application ~~for~~ a permit to operate a private patrol system, the Chief of Police shall forthwith make an investigation and written report to the City Manager as to the truthfulness of the facts therein set forth, and the reputation and character, competency and integrity of each person signing the application, and whether the management, conduct and operation of such proposed private patrol system ~~will~~ ~~or~~ will not comport with the public welfare, and for this purpose shall consider any facts ~~or~~ evidence bearing on the moral fitness and

reputation of those who will be in charge of such private patrol system and any other evidence or fact tending to assist in enlightening the City Manager in this respect.

(f) **CITY WAGER TO HOLD HEARING ON APPLICATION.** Upon receipt of the written report of the Chief of Police, the Finance Director shall forthwith set the application for public hearing before the City Manager at a date not less than five (5) days after its receipt. The Finance Director shall give written notice to the applicant and to such other persons as may in writing request notice, of the day, time and place of such hearing not less than two (2) days prior to such hearing.

(g) **CITY MANAGER TO GRANT OR DENY PERMIT.** The City Manager shall grant or deny a permit to the applicant within ten (10) days after the completion of such hearing; provided, however, the City Manager shall deny an application if it appears:

(1) That any person signing the application has ever been convicted of a felony, or a misdemeanor involving moral turpitude; or

(2) That any person signing the application does not have a good reputation for honesty, or character, or integrity, or sobriety, or is not a responsible person; or

(3) For any reason, within his sound discretion, that a private patrol system is not needed within the territory set forth in the application, or for any other reason would not comport with the public welfare.

(h) **SURETY BOND.** Any person who has made application for a private patrol system permit under this ordinance and who does not hold a valid permit issued by the Department of Professional and Vocational Standards of the State of California to carry on the business of a private detective, shall, before any permit is issued to him, deliver to and file with the Finance Director of the City of Lodi, a surety bond, executed by a surety company authorized to do business in the State of California, in the sum of \$5,000.00,

conditioned for the faithful and honest conduct of such business by such applicant, which bond shall be upon a form provided by said Finance Director and approved as to its form and execution by the City Attorney. Such bond shall be taken in the name of the people of the City of Lodi, and every person injured by the wilful or malicious or negligent or wrongful act of the principal, his agents or employees, may bring an action on said bond in his own name to recover damages suffered by reason of said wilful or malicious or negligent or wrongful act. A surety bond filed as herein required may be canceled only by service of a written notice upon the Finance Director of the City of Lodi not less than five days prior to the effective date of such cancellation, and the holder of a private patrol system permit and his private patrol watchmen, thereby secured, shall be ipso facto suspended upon the cancellation of said bond, until such time as another bond is filed as herein required in the first instance.

(i) **CONDITIONS OF PERMIT FOR PRIVATE PATROL SYSTEM.** Any permit for a private patrol system shall be issued upon the following terms and conditions:

(1) That such private patrol system shall be operated and conducted subject to the general supervision of the Chief of Police of the City of Lodi; and

(2) That the holder of such permit will require each private patrol watchman employed by him to:

Report by telephone to such places and at such intervals as the Chief of Police may require;

Report by telephone to the nearest police station immediately upon receipt of any police signal system;

Aid, assist and co-operate with the Lodi Police Department in the detention or apprehension of persons suspected of violating the law.

(j) **REVOCATION OF PRIVATE PATROL SYSTEM PERMIT.** Any permit granted pursuant to this ordinance for the operation of a private patrol system may be revoked by the City Manager for any

reason for which the granting of such permit might be lawfully denied, or for the violation of any provision of this ordinance, or for any other good cause. Such revocation shall be made only after a hearing granted to the holder of such permit before the City Manager, after five (5) days^t notice to said permit holder, setting forth the grounds of complaint against him and stating the time and place where such hearing will be held. Such hearing may be continued over from time to time as the circumstances may require. Upon revocation of any permit, such permit shall be forthwith surrendered to the City Manager. The revocation of any permit shall be in addition to any other penalties otherwise provided in this ordinance.

(k) ~~TRANSFER OF PRIVATE PATROL SYSTEM~~ PERMIT. No private patrol system permit may be transferred without the written consent of the City Manager obtained upon application in the same manner as is herein provided for the original application for such permit.

(1) ~~UNLAWFUL TO ACT AS PRIVATE PATROL WATCHMAN~~ WITHOUT PERMIT. It shall be unlawful for any person to act as a private patrol watchman, or for any person holding a private patrol system permit to employ, or permit; any person to act as, a private patrol watchman, unless such person holds an unrevoked permit to so act as provided in this ordinance.

Sec. III (a) ~~APPLICATION FOR PRIVATE PATROL WATCHMAN PERMIT - CONTENTS~~. The holder of a permit for a private patrol system may file with the Finance Director an application in triplicate requesting that a permit to act as a private patrol watchman be issued to the person therein named. The application shall be accompanied by a filing fee of \$5.00, and shall be upon a form supplied by the Finance Director and shall be sworn to before a person authorized to administer oaths, and must state the length of time that the affiant has known such person, that he has investigated such person and believes him to be a man of good character, honesty and reputation, competency and integrity, and physically and mentally

capable of performing the duties of private patrol watchman, and that he will require such person, if a permit is granted to him, to conform to and abide by all requirements of this ordinance. If the applicant is the holder of a private patrol system permit, he need only file the written statement required by Section III (b) of this ordinance.

(b) WRITTEN STATEMENT - CONTENTS - TO ACCOMPANY APPLICATION.

Such application for a private patrol watchman permit shall be accompanied by a written statement (in triplicate) upon a form supplied by the Finance Director, sworn to by the person to whom it is desired that a permit be issued, before a person authorized to administer oaths, setting forth the following information:

(1) The full name and home address of such person;

(2) The business or occupation, for the five (5) years last past, of such person, giving the name and address of each employer, the date of commencement and termination of employment, and the nature of the services performed;

(3) If he has ever been arrested on a charge of the commission of a felony or charge involving moral turpitude at any time, or arrested for any reason within five (5) years last past, give full details;

(4) That he is able to read, write and speak the English language;

(5) Such other information as the City Manager or Chief of Police may require.

(c) APPLICATION TO BE SENT TO CHIEF OF POLICE. Immediately upon the receipt of an application for a private patrol watchman permit and the written statement, the Finance Director shall forward one copy thereof to the Chief of Police, one copy to the City Manager, and file the original with the records of his office pertaining to the permit issued to the applicant.

(d) APPLICANT TO BE FINGER PRINTED AND PHOTOGRAPHED.

The person named in an application for a private patrol watchman's permit shall, within three (3) days after the filing of such application with the Finance Director, present himself to the Police Department of the City of Lodi to be photographed and fingerprinted, Said Department shall forthwith cause said person to be photographed and fingerprinted, and such photograph and fingerprints shall be filed in the permanent records of said Department.

(e) CHIEF OF POLICE TO GRANT OR DENY PERMIT. Upon receipt by the Chief of Police of a copy of such application and written statement, he shall forthwith investigate the truthfulness of the facts therein set forth, the moral fitness and reputation, character, integrity and competency of the person who made such statement, and if, upon the completion of such investigation, he concludes that such statements are true and that he is a qualified and fit person to act as a private patrol watchman, he shall issue a permit to such person granting him the right to act as a private patrol watchman for the person making the application; provided, however, such application must be denied if it appears:

(1) That such person has been convicted of a felony, or a misdemeanor involving moral turpitude, or of a violation of any liquor or narcotic law; or

(2) That he does not have a good reputation for honesty, or character, or integrity, or is not a responsible person, or does not have the necessary mental, or moral or physical qualifications to perform the duties of a private patrol watchman; or

(3) That he cannot read, or write, or speak the English language,

(f) REVOCATION OF PRIVATE PATROL WATCHMAN'S PERMIT.

Any permit granted pursuant to this ordinance for a private patrol watchman may be revoked by the Chief of Police, after an opportunity to be heard has been granted to the person holding the permit

after five (5) days notice of the time and place of such hearing, for the violation of any provision of this ordinance, or whenever it shall appear to the Chief of Police that said person does not have the intelligence, or courage, or judgment necessary for the performance of the duties of a private patrol watchman, or has been under the influence of intoxicating liquors while performing his duties, or for any other good cause.

(g) PERMIT TO EXPIRE - WHEN. A permit, to act as a private patrol watchman, unless previously revoked as herein provided, shall expire and terminate upon the termination or revocation of the permit granted to the person who made application for his private patrol watchman permit, or upon his discharge, removal or resignation as an employee of the person who made application for his permit.

Sec. IV (a) UNLAWFUL TO WEAR UNIFORM SIMILAR TO POLICE, ETC. It shall be unlawful for any person to wear, or cause or permit to be worn, any uniform in the operation of a private patrol system that is similar to the uniform used by the Lodi Police or Fire Departments, and no uniform shall be worn unless the same shall have been first approved by the Chief of Police.

(b) UNLAWFUL TO DISPLAY BADGE SIMILAR TO POLICE, ETC. It shall be unlawful for any person to wear or display, or cause to be worn or displayed, any badge or insignia similar in design to that used by the Lodi Police or Fire Departments, and no badge or insignia shall be worn, displayed or used in any manner unless the same has been first approved by the Chief of Police,

(c) UNLAWFUL TO MANUFACTURE PRIVATE PATROL WATCHMAN'S BADGE. It shall be unlawful for any person to sell, for use in the City of Lodi, any badge of a like or similar design to that used by the Lodi Police Department or Lodi Fire Department; or to sell any badge to be used by a private patrol system or private patrol watchman, in the City of Lodi, except upon the written order of the Chief of Police,

(d) UNLAWFUL TO USE RANK, ETC , WITHOUT CONSENT OF CHIEF OF POLICE, It shall be unlawful for any person to use, wear or exhibit any rank or insignia of rank, or cause or permit to be used, worn or exhibited any rank or insignia of rank, by any person operating, or employed by a person operating, a private patrol system, except such as may be approved in writing by the Chief of Police,

Sec. V. CHIEF OF POLICE TO FILE COMPLAINTS. The Chief of Police is hereby authorized, empowered, and directed to file, or cause to be filed, with the Department of Professional and Vocational Standards of California, a complaint against any person holding a permit to carry on the business of private detective issued by such Board, whenever he believes good cause exists therefor.,

Sec. VI. MUST PAY LICENSE TAX. Nothing herein contained shall be construed to permit any person to operate a private patrol system unless such person shall have first paid any license that may be required by any other ordinance of the City of Lodi, and nothing herein shall be construed as a waiver of any such license,

Sec. VII, NOTICE - HOW GIVEN. Any notice required by this ordinance must be in writing and may be given by personal service or by mail. In case of service by mail, the notice must be deposited in the United States Post Office, in a sealed envelope, with postage prepaid, addressed to the person on whom it is to be served, at his last known address as the same appears from the files of the Finance Director, The service is completed at the time of the deposit in the Post Office.

Sec. VIII. APPEALS. Any holder of a private patrol system permit, or a private patrol watchman permit, excepting to any denial, suspension or revocation of a permit applied for or held by him, or to any action taken by any official of the City of Lodi concerning such permit, may appeal in writing to the City Council by filing with the City Clerk a written notice of such appeal setting forth the specific grounds thereof. Such notice must be filed

within fourteen (14) days after notice of such action appealed from, but in no event later than thirty (30) days after date of such action. The City Clerk shall forthwith set said matter for hearing before the Council and cause notice thereof to be given to the appellant not less than five (5) days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified in the notice of appeal, why the action excepted to should not be approved, Such hearings may, by the Council, be continued over from time to time, and its findings on the appeal shall be final and conclusive in the matter,


Sec. IX. PENALTY FOR VIOLATION. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00, or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. X. Any private patrol system in existence and doing business, and any person employed as a private patrol watchman, in the City of Lodi, at the time this ordinance takes effect, shall be entitled to continue as such for a period of thirty (30) days from and after the taking effect of this ordinance and if, within said thirty (30) days, application is made as in this ordinance provided, for a private patrol system permit and a private patrol watchman permit, said private patrol system and private patrol watchman may continue as such until such application is granted or denied,


Sec. XI. CONSTITUTIONALITY, If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of Lodi declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. XII. This ordinance shall take effect and be in full force from and after thirty (30) days ~~from~~ its final passage,

Approved this 17th day of July, 1957.


GEORGE M. HUGHES
Mayor of the City of Lodi

Attest:


HENRY A. GLAVES, JR.
City Clerk

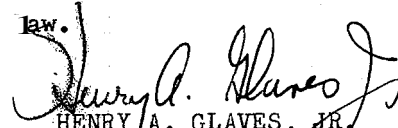
I, HENRY A. GLAVES, JR., City Clerk of the City of Lodi do hereby certify that Ordinance No. 595 was introduced at a regular meeting of the City Council held June 19, 1957, and was thereafter passed, adopted and ordered to print at a regular meeting held July 17, 1957, by the following vote:

AYES: Councilmen - Fuller, Katzakian, Mitchell, Robinson
and Hughes

NOES: Councilmen - None

ABSENT: Councilmen - None

I FURTHER CERTIFY that Ordinance No. 595 was approved and signed by the Mayor on the date of its passage and that the same has been published pursuant to ~~law~~.


HENRY A. GLAVES, JR.
City Clerk

Dated: July 18, 1957